

ATTORNEY'S DOCKET NO.: 1513US

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "**Device for Irradiating Tissue**" the specification of which (check one):

is attached hereto.

was filed on _____

as U.S. Application No. _____

or PCT International Application No. _____

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application, having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

None (Number)	(Country)	(Day/Month/Year filed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

<u>None</u> (Application Number)	(Filing Date)
(Application Number)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

<u>None</u> (Application Number)	(Filing Date)	(Status -- patented, pending, abandoned)
(Application Number)	(Filing Date)	(Status -- patented, pending, abandoned)

POWER OF ATTORNEY: I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

John S. Ferrell, Reg. No. 34,593; J. Eppa Hite, Reg. No. 30,266;
Susan Yee, Reg. No. 41,388; John D. Henkhaus, Reg. No. 42,656; and
Aaron R. Wininger, Reg. No. 45,229

SEND ALL CORRESPONDENCE TO:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Steven C. Murray

Residence Santa Cruz, CA Citizenship U.S.

Post Office Address 3052 Orchard Drive, San Jose, CA 95134

Inventor's signature Steven C. Murray Dated: 6/15/2000

Full name of second inventor: Scott A. Davenport

Residence Half Moon Bay, CA Citizenship U.S.

Post Office Address 3052 Orchard Drive, San Jose, CA 95134

Inventor's signature Scott A. Davenport Dated: 6/05/00

SEARCHED - INDEXED - SERIALIZED - FILED

Atty. Dkt. No. 1513US

Applicants: Steven C. Murray and Scott A. Davenport

Serial or Patent No.: To be assigned

Filed or Issued: Herewith

For: Device for Irradiating Tissue

VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS
(37 CFR 1.9 (f) and 1.27 (c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

the owner of the small business concern identified below:
 an official of the small business concern empowered to
act on behalf of the concern identified below:

NAME OF CONCERN: Laserscope

ADDRESS OF CONCERN: 3052 Orchard Drive, San Jose, CA 95134

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.2, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "Device for Irradiating Tissue", by inventors Steven C. Murray and Scott A. Davenport, described in

the specification filed herewith.
 application serial no. _____, filed _____.
 patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME None

ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Eric Reiter - President & CEO

TITLE OF PERSON IF OTHER THAN OWNER: _____

ADDRESS OF PERSON SIGNING: 3052 Orchard Drive, San Jose, CA 95134

SIGNATURE [Signature] DATE 6/5/00